

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

**(1)CAO NGUYEN, INC.
an Oklahoma corporation,**

Plaintiff,

vs.

Case No. CIV-08-01244-M

**(1)SAIGON-TAIPEI INC.,
a Texas corporation and**

**(2)KIM SENG COMPANY,
a California Corporation,**

**(3)SAIGON TAIPEI MARKET #4,
LLC, an Oklahoma limited liability
company**

Defendants.

**PLAINTIFF CAO NGUYEN INC.'S OBJECTIONS TO KIM SENG COMPANY
AND SAIGON TAIPEI MARKET #4'S EXHIBIT LIST**

Plaintiff, Cao Nguyen, Inc. ("Cao Nguyen"), submits the following objections to the exhibits identified by Kim Seng Company and Saigon Taipei Market #4, LLC. Plaintiff reserves the right to add objections to this list as discovery in this matter is ongoing.

No.	Exhibit Description	Bates No./ Identifier	Objection
1.	Declaration of Mrs. Rachanee Adhiphandhaumphai, Manager of Vudhichai Produce Co., Ltd.		Hearsay (FRE 802); Authentication (FRE 901)
2.	Declaration of Mr. Thaveesook Panya, Export Staff of Vudhichai Produce Co., Ltd.		Hearsay (FRE 802); Authentication (FRE 901)
3.	Picture of Rose Brand Bag in 2002	CAO-NGUYEN 00463 – 00464	Improper identification; Authentication (FRE 901).
4.	Picture of Double Parrot Brand 5 lb. bag	DEF. 001871	Authentication (FRE 901)
5.	Picture of Double Parrot Brand 4 lb. bag	DEF. 00872	Authentication (FRE 901)
6.	Kim Seng invoices showing Rose Brand sales to Chinatown Supermarket in 2001	DEF. 1465 – 1467, 1623, 1635, 1648, 1666, 1689, 1721, 1744	Objection as to Relevance (FRE 401 & 403) as to Defendant's listed affirmative defenses; Authentication (FRE 901)
7.	Kim Seng invoices showing Rose Brand sales to Chinatown Supermarket in 2002	DEF. 001881, 00192, 001947, 001972, 002010, 002020, 002039, 002096, 002127	Objection as to Relevance (FRE 401 & 403) as to Defendant's listed affirmative defenses; Authentication (FRE 901)
9.	Kim Seng invoices showing Rose Brand sales in Oklahoma City before December 15, 1999	DEF 000335, 000357, 000928, 000970, 000997, 001095	Relevance (FRE 4401 & 403); Authentication (FRE 901)

No.	Exhibit Description	Bates No./ Identifier	Objection
10.	Kim Seng invoices showing Rose Brand sales to Tai Nam Market in Chicago before December 15, 1999	DEF 000890, 000894 – 000895, 000897, 000899	Relevance (FRE 4401 & 403); Authentication (FRE 901)
11.	Kim Seng invoice showing Rose Brand sale to General Marketing in 1997	DEF 000343	Relevance (FRE 4401 & 403); Authentication (FRE 901)
12.	Picture of Rose Brand packaging from Universal Rice Co, Ltd.	DEF. 000403; STM 00060-00061	Relevance (FRE 4401 & 403); Hearsay (FRE 802); Authentication (FRE 901)
13.	Cao Nguyen invoices that do not include Nang Huong Cho Dao from 2003	CAO-NGUYEN_00554, – 00567, 00571, 00572, 00574, 00575, 00577, 00578	Relevance (FRE 401 & 403)
14.	Cao Nguyen Invoices that do not include Nang Huong Cho Dao from 2004	CAO-NGUYEN_00551, 00552, 00553, 00555, 00558, 00582, 00640	Relevance (FRE 401 & 403)
15.	Cao Nguyen Invoices that do not include Nang Huong Cho Dao from 2005	CAO-NGUYEN_00517, 00518, 00638	Relevance (FRE 401 & 403)
16.	Cao Nguyen Invoices that do not include Nang Huong Cho Dao from 2006	CAO-NGUYEN_00606, 00609, 00615, 00619	Relevance (FRE 401 & 403)
17.	Cao Nguyen Invoices that do not include Nang Huong Cho Dao from 2007	CAO-NGUYEN_00593, 00596 – 00599	Relevance (FRE 401 & 403)
18.	Cao Nguyen Invoices	CAO-	Relevance (FRE 401 & 403)

No.	Exhibit Description	Bates No./ Identifier	Objection
	that do not include Nang Huong Cho Dao from 2008	NGUYEN_00795	
19.	Cao Nguyen invoices that include Nang Huong Cho Dao from 2008	CAO-NGUYEN_00530, 00531, 00533, 00541, 00794	
20.	Cao Nguyen Bill of Ladings that include Nang Huong Cho Dao from 2008	CAO-NGUYEN_00785	
21.	Cao Nguyen invoices that include Nang Huong Cho Dao from 2009	CAO-NGUYEN_00663, 00673, 00710, 00711, 00752, 00739, 00740	
22.	Cao Nguyen Bill of Ladings that include Nang Huong Cho Dao from 2009	CAO-NGUYEN_00664, 00666, 00712, 00741	
23.	Letter from Charles L. McLawhorn, III to Marc A. Hubbard dated August 12, 2008	CAO-NGUYEN_00341 – 00342	Relevance (FRE 401 & 403)
24.	Dr. Steve Linscombe Expert Report	LINS 00001 – 00051	Objection to Dr. Linscombe's Expert Report set forth in upcoming <i>Daubert</i> motion; Relevance (FRE 401 & 403);
25.	D.R. Harris Expert Report	Harris 00001 - 00071	Relevance (FRE 401 & 403).
26.	Shipping documents reflecting Kim Seng's costs from 2002	DEF. 002298 – 002315	Relevance (FRE 401 & 403); Authentication (FRE 901)
27.	Shipping documents reflecting Kim Seng's costs from 2003	DEF. 002316 – 002335	Relevance (FRE 401 & 403); Authentication (FRE 901)

No.	Exhibit Description	Bates No./ Identifier	Objection
28.	Shipping documents reflecting Kim Seng's costs from 2004	DEF. 002336 – 002356	Relevance (FRE 401 & 403); Authentication (FRE 901)
29.	Shipping documents reflecting Kim Seng's costs from 2005	DEF. 002357 – 002390	Relevance (FRE 401 & 403); Authentication (FRE 901)
30.	Shipping documents reflecting Kim Seng's costs from 2006	DEF. 002391 – 002439	Relevance (FRE 401 & 403); Authentication (FRE 901)
31.	Shipping documents reflecting Kim Seng's costs from 2007	DEF. 002440 – 002480	Relevance (FRE 401 & 403); Authentication (FRE 901)
32.	Shipping documents reflecting Kim Seng's costs from 2008	DEF. 002481 – 002504	Relevance (FRE 401 & 403); Authentication (FRE 901)
33.	Shipping documents reflecting Kim Seng's costs from 2009	DEF. 002505 – 002537	Relevance (FRE 401 & 403); Authentication (FRE 901)
34.	Articles discussing experiments on Nang Huong Cho Dao	DEF. 000173 – 000178	Relevance (FRE 401 & 403); Hearsay (FRE 802); Authentication (FRE 901)
35.	Articles discussing experiments on Nang Huong Cho Dao	DEF 000186 – 000198	Relevance (FRE 401 & 403); Hearsay (FRE 802); Authentication (FRE 901)
36.	Articles discussing experiments on Nang Huong Cho Dao	DEF 000288 – 000296	Relevance (FRE 401 & 403); Hearsay (FRE 802); Authentication (FRE 901)
37.	Articles that use Nang Huong Cho Dao in a generic sense	DEF. 000262; STM 00064-00067	Relevance (FRE 401 & 403); Hearsay (FRE 802); Authentication (FRE 901)
38.	Articles that use Nang Huong Cho Dao in a generic sense	DEF 000263 – 000265	Relevance (FRE 401 & 403); Hearsay (FRE 802); Authentication (FRE 901)
39.	Pictures of United Thai's Eagle Brand with Nang Huong	CAO-NGUYEN_00465 – 00466	

No.	Exhibit Description	Bates No./ Identifier	Objection
	Cho Dao on the bag		
40.	Picture of Twin Dragon Brand with Nang Huong Cho Dao on the bag	CAO-NGUYEN_00467 – 00468	
41.	Kim Seng Rose Brand sales to Arizona before December 15, 1999	DEF. 000333, 001135, 001114, 001061, 000395, 000367	Relevance (FRE 401 & 403); duplicative
42.	Kim Seng Rose Brand sales to California before December 15, 1999	DEF. 001107, 001105, 000998, 000987, 000983, 000941, 000924, 000913, 000356, 00397, 000392, 000387, 000340, 000343, 000949, 000942, 000936, 000922, 000905, 000931, 001136, 001133, 001128, 001115, 001112, 001085, 001041, 001035, 001012, 001011, 001008, 000990, 000978, 000991, 000996, 000934, 000916, 000920, 000908, 000912, 000889, 000888, 000396, 000384, 000383, 000385, 000386, 000388, 000391, 000390, 000389, 000378, 000377, 000379, 000380, 000376,	Relevance (FRE 401 & 403); cumulative

No.	Exhibit Description	Bates No./ Identifier	Objection
		000381, 000382, 000368 – 000371, 000373, 000374, 000375, 000372, 000365, 000363, 000364, 000362, 000366, 000360, 000359, 000355, 000361, 000352, 000353, 000354, 000351, 000350, 000341, 000329, 000325, 000339, 000327, 000338, 000933, 000917, 000930, 000898, 001014, 000992, 000980, 000398, 000393, 000347, 000345, 000346, 000326, 000332, 000334, 000337, 000999, 001002, 000929, 000394, 000344, 000909, 000904, 000330, 000328, 000331, 001117, 001020, 001019, 001010, 000974, 000972, 000940, 000945, 000932, 000937, 000925, 000911, 000336	
43.	Kim Seng Rose Brand sales to Colorado before December 15,	DEF 000896, 001120, 001113, 001106, 001114,	Relevance (FRE 401 & 403); duplicative

No.	Exhibit Description	Bates No./ Identifier	Objection
	1999	001059, 001050, 001030, 001029, 001023, 000995, 000979, 000957, 000348, 000342, 000993	
44.	Kim Seng Rose Brand sales to Florida before December 15, 1999	DEF 001092, 001052, 001031, 001137, 001083, 001097, 001003, 000952, 000966, 000956, 000955, 000944, 001051, 000923, 000926, 000914, 000902, 001007	Relevance (FRE 401 & 403); duplicative
45.	Kim Seng Rose Brand sales to Georgia before December 15, 1999	DEF 001067, 001045, 001054, 001006, 000986, 000985, 000938, 000927, 001126, 000951, 000947, 000906, 000901, 000893, 001132, 001073, 001065, 001039, 001005, 000973, 001134, 001129, 001098, 001122, 001103, 001090, 001082, 001066, 001062, 001058, 001056, 001053, 001036, 001034, 001021, 001018, 001015, 000989, 001000, 001004, 000965, 000960, 000977, 001130, 001055, 001001, 002538,	Relevance (FRE 401 & 403); duplicative

No.	Exhibit Description	Bates No./ Identifier	Objection
		000349	
46.	Kim Seng Rose Brand sales to Iowa before December 15, 1999	DEF 001027, 001119, 001080, 001048, 001038	Relevance (FRE 401 & 403); duplicative
47.	Kim Seng Rose Brand sales to Illinois before December 15, 1999	DEF 001125, 001121, 001100, 001089, 001081, 001077, 001072, 001070, 001063, 001060, 001044, 001047, 001049, 001040, 001037, 001032, 001028, 000953, 000939, 000946, 000919, 000895, 000897, 000899, 000894, 000890, 001101	Relevance (FRE 401 & 403); duplicative
48.	Kim Seng Rose Brand sales to Kansas before December 15, 1999	DEF 000981, 001096, 001123, 001111, 001074, 001042, 001016, 001013, 000962, 001057, 000903, 000358	Relevance (FRE 401 & 403); duplicative
49.	Kim Seng Rose Brand sales to Louisiana before December 15, 1999	DEF 001088, 000969	Relevance (FRE 401 & 403); duplicative
50.	Kim Seng Rose Brand sales to Michigan before December 15, 1999	DEF 001118, 001071, 001124, 001079, 001075, 001025, 001017, 000994, 000976, 000971, 000961, 000935, 000910	Relevance (FRE 401 & 403); duplicative
51.	Kim Seng Rose Brand sales to Minnesota before December 15, 1999	DEF 000988, 000959	Relevance (FRE 401 & 403); duplicative

No.	Exhibit Description	Bates No./ Identifier	Objection
52.	Kim Seng Rose Brand sales to Missouri before December 15, 1999	DEF 001109, 001094, 001022, 000950	Relevance (FRE 401 & 403); duplicative
53.	Kim Seng Rose Brand sales to Nebraska before December 15, 1999	DEF 001093, 001084, 001076, 001069, 001046, 000982, 00967	Relevance (FRE 401 & 403); duplicative
54.	Kim Seng Rose Brand sales to New Mexico before December 15, 1999	DEF 001131, 001116, 001110, 001087, 001086, 001078, 001068, 001064, 001043	Relevance (FRE 401 & 403); duplicative
55.	Kim Seng Rose Brand sales to North Carolina before December 15, 1999	DEF 001102	Relevance (FRE 401 & 403); duplicative
56.	Kim Seng Rose Brand sales to Oklahoma before December 15, 1999	DEF 001095, 000997, 000928, 000970, 000357, 000335	Relevance (FRE 401 & 403); duplicative
57.	Kim Seng Rose Brand sales to Pennsylvania before December 15, 1999	DEF 001026, 001009, 001127, 001091, 001024, 000984, 000975, 000963, 000954, 000948, 000918, 000921, 000907, 000915, 000900, 000892	Relevance (FRE 401 & 403); duplicative
58.	Kim Seng Rose Brand sales to Texas before December 15, 1999	DEF 001099	Relevance (FRE 401 & 403); duplicative
59.	Kim Seng Rose Brand sales to Utah before December 15, 1999	DEF 001108, 001033, 000958, 000943, 000891	Relevance (FRE 401 & 403); duplicative
60.	Kim Seng Rose Brand sales to Washington before December 15,	DEF 000968	Relevance (FRE 401 & 403); duplicative

No.	Exhibit Description	Bates No./ Identifier	Objection
	1999		
61.	Cao Nguyen's federal registration		
62.	All documents that Cao Nguyen submitted to the USPTO when it applied for Registration		Improper identification; Relevance (FRE 401 & 403)
63.	Kim Seng import information from importgenius.com relied on by Cao Nguyen's damages expert to estimate revenue	CAO-NGUYEN_02526-02529	
64.	Picture of Cao Nguyen's Victorious Elephant Brand with Nang Huong Cho Dao on the package	CAO-NGUYEN_00660	
65.	Picture of Cao Nguyen's Reindeer Brand with Nang Huong Cho Dao on the package	CAO-NGUYEN_00659	
66.	Picture of Cao Nguyen's Deer Brand with Nang Huong Cho Dao on the package	CAO-NGUYEN_00661	
67.	License Agreement between Cao Nguyen and Evershing Trading Co.	CAO-NGUYEN_00469-00470	
68.	Docs reflecting Kim Seng's Importation of Rose brand Rice from	DEF. 000404 – 000410	Relevance (FRE 401 & 403); Authentication (FRE 901).

No.	Exhibit Description	Bates No./ Identifier	Objection
	Universal Rice Company before 12-15 1999		
69.	Combined Declaration of Use and Contestability Under Sections 8 & 15	CAO-NGUYEN_00010 – 00012	
70.	Letter from Anthony L. Rahhal to Hiep V. Nguyen dated April 13, 2007	CAO-NGUYEN_00071 – 00072	
71.	Letter from Anthony L. Rahhal to Hiep V. Nguyen dated April 13, 2007	CAO-NGUYEN_00075 – 00076	
72.	Letter from Anthony L. Rahhal to Minh Banh dated April 13, 2007	CAO-NGUYEN_00065 – 00066	
73.	Letter from Anthony L. Rahhal to Phu Banh dated April 13, 2007	CAO-NGUYEN_00068 – 00069	
74.	Letter from Anthony L. Rahhal to Jonathan Houang dated April 13, 2007	CAO-NGUYEN_00078 – 00079	
75.	Letter from Anthony L. Rahhal to Minh Banh dated April 13, 2007	CAO-NGUYEN_00063 – 00064	
76.	Letter from Charles McLawhorn, III to Kim Seng Company dated August 12, 2008	CAO-NGUYEN_00338 – 00339	
77.	Letter from Gary Tsai to Charles L.	CAO-NGUYEN_00316	

No.	Exhibit Description	Bates No./ Identifier	Objection
	McLawhorn, III dated September 24, 2008	– 00317	
78.	Letter from Gary Tsai to Charles L. McLawhorn, III dated August 14, 2008	CAO-NGUYEN_00330 – 00331	
79.	Letter from Marc A. Hubbard to Anthony Rahhal dated April 30, 2007	CAO-NGUYEN_00051 – 00052	
80.	Declaration of Tri Van Luong	CAO-NGUYEN_00023	Improper exhibit. Mr. Luong will testify at trial.
81.	Kim Seng's Commercial lease of Montebello, California location beginning July 2000	DEF 000236 – 000237	Relevance (FRE 401 & 403); Authentication (FRE 901)
82.	Kim Seng's Commercial lease of facility at 4408 Worth Street, Los Angeles, California, occupied from 1993 to 2000		Relevance (FRE 401 & 403); Authentication (FRE 901)
83.	Cao Nguyen Accountant's Reports from September 30, 2003 through September 30, 2009	CAO-NGUYEN 00855-00883	
84.	Cao Nguyen Summary Sales information from 2002 to 2009	CAO-NGUYEN_00849-00854	
85.	Expected declaration from Universal Rice Co., Ltd. attesting to Kim Seng's use of "Nang Huong Cho Dao" on Rose Brand		Improper identification and improper exhibit; Hearsay (FRE 802); Authentication (FRE 901)

No.	Exhibit Description	Bates No./ Identifier	Objection
	packaging before December 15, 1999		
86.	Expected demonstrative exhibit showing location of Kim Seng's Rose Brand rice in Chinatown Supermarket's store		Improper identification; Hearsay (FRE 802); Authentication (FRE 901)
87.	Kim Seng invoices showing continuous sales of Rose Brand rice from 2000 through the second quarter of 2003	DEF 001138 – 002293	Relevance (FRE 401 & 403); Authentication (FRE 901)
88.	Kim Seng inventory reports of Rose Brand rice and Double Parrot rice from third quarter 2003 through 2009	DEF 000001 – 00000167; DEF 001383 – 001447	Relevance (FRE 401 & 403); Authentication (FRE 901)
89.	All exhibits listed by Plaintiff and not otherwise objected to by Defendants		
90.	All documents produced during discovery and all documents requested in discovery but not produced		Object to the extent such documents have not yet been produced and have not been sufficiently identified. Relevance (FRE 401 & 403); Hearsay (FRE 802); Authentication (FRE 901)
91.	All documents used as exhibits during depositions		Object to the extent such documents have not yet been produced and have not been sufficiently identified. Relevance (FRE 401 &

No.	Exhibit Description	Bates No./ Identifier	Objection
			403); Hearsay (FRE 802); Authentication (FRE 901)
92.	All documents relied on by Dr. Linscombe		Object to the extent such documents have not yet been produced and have not been sufficiently identified. Relevance (FRE 401 & 403); Authentication (FRE 901)
93.	All documents relied on by D. R. Harris		Object to the extent such documents have not yet been produced and have not been sufficiently identified. Relevance (FRE 401 & 403); Authentication (FRE 901)
94.	All demonstrative exhibits and summaries compiled from the exhibits listed above		Object to the extent such documents have not yet been produced and have not been sufficiently identified. Relevance (FRE 401 & 403); Hearsay (FRE 802); Authentication (FRE 901)

s/ Clifford C. Dougherty, III

Clifford C. Dougherty, III, OBA #11290

Robert W. Dace, OBA #10263

Andrew B. Peterson, OBA #21321

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of April, I electronically transmitted the foregoing document to the Court Clerk using the ECF System for filing. The Court Clerk will transmit a Notice of Electronic Filing to the following ECF Registrants:

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s/Clifford C. Dougherty, III